

**NOTICE OF TYPE III
DEVELOPMENT REVIEW
APPLICATION, OPTIONAL
SEPA DETERMINATION OF
NON-SIGNIFICANCE & PUBLIC HEARING**
(Form DS1302A)



The Clark County Department of Community Development has received an application for development review, as described below. Based on a review of the submitted application materials, the County expects to issue a **Determination of Non-Significance (DNS)** for the proposal allowed by state law and Clark County Code (CCC), Section 40.570.040(E) – Optional DNS Process. As lead agency, the county has determined that the requirements for environmental analysis, protection, and mitigation measures are adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws rules, as provided by RCW 43.21.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. The proposal may include mitigation under applicable codes and the project review.

Comments received within the deadline will be considered in the review of the proposal. Your response to this notice may be your only opportunity to comment on the environmental impacts of this proposal. No additional comment period will be provided unless probable significant environmental impacts are identified during the review process, which would require additional study or special mitigation. The proposal may include mitigation under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement (EIS) is prepared.

Closing Date for Public Comments:
September 19, 2009

Information regarding this application can be obtained by contacting the staff contact person listed below, or visit the Public Service Center, Development Services Division, 1300 Franklin Street, 3rd Floor, Vancouver, Washington.

The Clark County Hearings Examiner will conduct the public hearing on **November 12, 2009, at 6:00 P.M., at Public Service Center, 1300 Franklin St., Vancouver, Washington, Sixth Floor Suite 680.** Parking is available in the parking garage on the north side of the Public Service Center (access off Franklin St.) after 5:30pm.

Project Name: GUSTAFSON SUBDIVISION

Case Number: PLD2009-00033; SEP2009-00058

Location: East side of NE 152nd Avenue approximately 300 feet north of NE 102nd Way.

Request: The applicant is requesting to subdivide 20 acres into 113 lots located in the Single-family Residential (R1-6) zone.

Applicant: MSE Planning & Engineering, Inc.
16105 NE 89th Street
Vancouver, WA 98682
(360)883-0686; (866)652-4063 fax
Samuel@msepe.com

Contact Person: Samuel Moss
16105 NE 89th Street
Vancouver, WA 98682
(360)883-0686; (866)652-4063 fax
Samuel@msepe.com

Property Owner: 152nd Investors LLC
15700 NW 31st Court
Vancouver, WA 98665

Zoning: Single-family Residential (R1-6)

Comp Plan Designation: Urban Low Density Residential

Parcel Number: 200539-000

Township: 3 North **Range:** 2 East **SW ¼ of Section:** 36

Applicable Code Sections :

Clark County Code 15.12 (Fire Prevention); 40.220.010 (Single-Family Residential Districts); 40.350 (Transportation); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.520.010 (Legal Lot Determination); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws).

Neighborhood Contact:

Greater Brush Prairie Neighborhood Association, Sam Kim, President, 14915 NE 126 Avenue, Brush Prairie, WA 98606, 896-7119, E-mail: brushprairie@comcast.net

Staff Contact Person:

Planner Name: Alan Boguslawski (360) 397-2375, ext. 4921

E-mail: alan.boguslawski@clark.wa.gov

Team Leader Name: Mike Butts (360) 397-2375, ext. 4137.

Please email SEPA comments to: alan.boguslawski@clark.wa.gov

Note: If mailing comments, an accurate mailing address for those submitting comment must be included or they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision.

If written comments or documents are to be hand delivered, please submit them to the Public Service Center, 1st floor.

Responsible Official: Michael V. Butts, Development Services Manager
Public Service Center, Department of Community Development, 1300 Franklin Street, P.O. Box 9810, Vancouver, WA 98666-9810

Application Filing date: 6/30/09
Fully Complete Date: 8/20/09 (Project on hold 8/21/09 to 8/31/09)
Date of this notice: 9/4/09

SEPA Options:

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be mitigated through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Timelines/Process:

Decisions on Type III applications are made within 92 calendar days of the Fully Complete date (noted above), unless placed on hold for the submittal of additional information.

Appeal Process:

The Hearing Examiner's decision on the application may be appealed to the Board or County Commissioners by the applicant or any person or group that qualifies as a "Party of Record." To qualify as a party of record, you must have submitted written comments or a written request to be identified as a Party of Record within the comment deadline. Note: If an accurate mailing address for those submitting comment is not included, they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision. An appellant must submit an appeal application and appeal fee within 14 calendar days after the written notice of the decision is mailed.

SEPA Appeal Process:

A **procedural SEPA appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive SEPA appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

A **procedural appeal** must be filed within fourteen (14) calendar days of this determination, together with the appeal fee. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check for the appeal fee (made payable to the Department of Community Development).

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, at the address listed below.

The decision of the Hearing Examiner on any procedural SEPA appeal is final and can not be appealed to the Board of County Commissioners, but must be pursued through a judicial review. Appeals of the Hearing Examiner's decision and conditions of approval on the development proposal itself (including substantive SEPA appeals) are processed in accordance with Clark County Code 40.510.030(H), Type III Review Appeal Procedure. This type of appeal of the Hearing Examiner decision must be filed with the Board of County Commissioners within fourteen (14) days of issuing the Hearing Examiner's written decision.

ACCOMMODATION OF PHYSICAL IMPAIRMENTS

The Public Service Center is wheelchair accessible. If you need auxiliary aids or services in order to attend, contact the Clark County ADA Office. **Voice** (360) 397-2000; **Relay** (800) 833-6384; **E-mail** ADA@clark.wa.gov.

Information Available on the County Web Page:

- "Weekly Preliminary Plan Review Status Report," (includes current applications, staff reports and final decisions):
(<http://www.clark.wa.gov/commdev/active-landuseN.html>)
- Pre-Application Conferences and Public Land Use Hearing Agendas:
(<http://www.clark.wa.gov/commdev/agendasN.asp>)

- Applications and Information Handouts for each Type of Land Use Permit:
(<http://www.clark.wa.gov/commdev/applicationsN.html>) (*Landuse*)

Phone: (360) 397-2375; Fax: (360) 397-2011

Web Page at: <http://www.clark.wa.gov>

Attachments:

- Proposed project land division plan
- Map of property owners receiving notice

Agency Distribution:

This notice is being provided to the following agencies with jurisdiction whose services maybe impacted by implementation of this proposal:

Federal Agencies:	U.S. Army Corps of Engineers - Enforcement Division
Tribes:	Cowlitz Indian Tribe Yakama Nation Chinook Tribe
State Agencies:	Department of Natural Resources (S.W. Region) Department of Ecology Department of Fish and Wildlife Department of Transportation
Regional Agencies:	Fort Vancouver Regional Library Southwest Clean Air Agency Vancouver-Clark Parks & Recreation
Local Agencies:	Clark County Department of Community Development Development Services Development Engineering Fire Marshal Clark County Health Department Clark County Public Works Transportation Division Clark County Conservation District Clark County Water Resource Council City of Vancouver Transportation
Special Purpose Agencies:	Fire Protection District # 5 Clark Public Utilities Clark Regional Wastewater District/City of Vancouver Water/Sewer
The Media	The Columbian The Oregonian The Reflector Vancouver Business Journal The Post Record
Other:	Applicant Clark County Neighbors Clark County Natural Resources Council Clark County Citizens United C-Tran Neighborhood Association

Add Attachment for Agencies:

- SEPA checklist

ENVIRONMENTAL CHECKLIST

RCW 197-11-960

A. Background

1. Name of proposed project, if applicable: **Gustafson Subdivision**

2. Name of applicant: *MSE Planning & Engineering, Inc.*

3. Address and phone number of applicant and contact person:

*16105 NE 89th St
Vancouver, WA 98682
Tel: (360) 883-0686
Fax: (866) 652-4063*

Contact person: *Samuel Moss*

4. Date checklist prepared: *29 June 2009.*

5. Agency requesting checklist: *Clark County*

6. Proposed timing or schedule (including phasing, if applicable):

Construction is proposed to begin in late 2009 or 2010.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Not at this time.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Archaeological Predetermination.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by our proposal? If yes explain.

No.

10. List any government approvals or permits that will be needed for your proposal, if known

Subdivision approval from Clark County.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

Subdivide the existing 20 acres into approximately 113 lots in the R1-6 zoning, minimum average lot size of 6,000 sf.

12. Location of the proposal:

The project is approximately located north of NE 102 on NE 152nd Avenue in Clark County, Washington. (SW ¼ of Section 36, T3N, R2E, WM)

B. Environmental Elements

1. Earth

- a. **General description of the site: flat, rolling, hilly, steep slopes, mountainous, other.**
The site slopes has minimal slopes with slight elevation rise along the southern boundary.
- b. **What is the steepest slope on the site (approximate percent slope)?**
0-5 percent, 93% of parcel; 5-10 percent, 7% of parcel.
- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.**
MLA, LgB, and LeB.
- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**
No.
- e. **Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.**
The amount of earthwork on the project could be up to thousands of cubic yards.
- f. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**
Erosion could occur during construction. The project will comply with all applicable erosion control ordinances.
- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt to buildings).**
A maximum of 70% of the site will contain impervious surfaces from roadways and buildings.
- h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**
Measures such as construction entrances, silt fences, and the like will be installed where necessary.

2. Air

- a. **What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.**
Temporary air emissions associated with construction will result from the proposal. Typical air emissions associated with normal residential.
- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**
No.
- c. **Proposed measures to reduce or control emissions or other impacts to air, if any.**

None.

3. Water

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described water? If yes, please describe and attach available plans.

N/A

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- 5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.

No.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground water:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

Stormwater will be infiltrated on site.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals. Agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None.

c. Water runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

The source of the stormwater runoff will primarily be from the site's newly created impervious surface. Stormwater will be collected and treated as required by Clark County Code and infiltrated on site.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.**

No.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

This project will meet the requirements of Clark County Code for water quality and quantity control.

4. Plants:

a. Underline types of vegetation found on the site:

- 1) Deciduous tree:** *Walnut*

- 2) Evergreen tree:**

- 3) Shrubs:**

- 4) Grass:** *field grasses*

- 5) crop or grain:**

- 6) wet soil plants:**

- 7) water plants:**

b. What kind and amount of vegetation will be removed or altered?

Existing field grasses and possibly some trees will be removed during the course of construction.

c. List threatened or endangered species known to be on or near the site.

No threatened or endangered species of plant are known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

The project will preserve as much native vegetation as feasible.

5. Animals

- a. **Underline any birds and animals, which have been observed on or near the site or are known to be on or near the site:**

1) **birds:** hawk, heron, eagle, songbirds, ducks, geese, other:

2) **other mammals:** deer, bear, elk, beaver, rabbit, skunk, raccoon, other:

- b. **List any threatened or endangered species known to be on or near the site.**

None.

- c. **Is the site part of a migration route? If so, explain.**

Though the Pacific Flyway crosses the site, as it does much of the West Coast, this site is not known to be a part of the route.

- d. **Proposed measures to preserve or enhance wildlife, if any:**

No measures are proposed.

6. Energy and Natural Resources.

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Electricity and natural gas will be the primary sources of energy for the site.

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

No.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

No additional measures are proposed.

7. Environmental Health.

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

No.

- 1) **Describe special emergency services that might be required.**

Typical emergency services are required but the site does not require special emergency services.

- 2) **Proposed measures to reduce or control environmental health hazards, if any.**

None.

- b. **Noise.**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Typical residential and agricultural noises are typical of the surrounding area.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

*Short term: Sound created by construction equipment until the construction is completed.
Construction hours would comply with Clark County Code requirements.*

Long term: Typical noise associated with residential and agricultural uses.

- 3) Proposed measures to reduce or control noise impacts.

None.

8. Land and Shoreline Use.

- a. What is the current use of the site and adjacent properties?

Agricultural to the far north and residential property.

- b. Has the site been used for agriculture? If so, describe.

Yes, various crops and livestock have historically been onsite.

- c. Describe any structures on the site.

None.

- d. Will any structures be demolished? If so, what?

No structures exist on site.

- e. What is the current zoning classification of the site?

R1-6

- f. What is the current comprehensive plan designation of the site?

UL.

- g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

No.

- i. Approximately how many people would reside or work in the completed project?

Approximately 113 lots would be created.

- j. Approximately how many people would the completed project displace?

None.

- k. **Proposed measures to avoid or reduce displacement impacts, if any:**

None.

- l. **Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

None.

9. Housing

- a. **Approximately how many units are provided, if any. Indicate whether high, middle, or low-income housing.**

Approximately 113 middle income lots will be created.

- b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

None.

- c. **Proposed measures to reduce or control housing impacts, if any:**

None.

10. Aesthetics

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Typical maximum height of 35' is expected within the residential areas. All structures shall be in accordance with Clark County Code.

- b. **What views in the immediate vicinity would be altered or obstructed?**

Some views may be altered by removing the trees.

- c. **Proposed measures to reduce or control aesthetic impacts, if any:**

None

11. Lighting and Glare

- a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**

The site will produce typical light and glare associated with residential uses.

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

No.

- c. **What existing off-site sources of light or glare may effect your proposal?**

None.

- d. **Proposed measures to reduce or control light and glare impacts, if any:**

None.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?
None.

b. Would the proposed project displace any existing recreational uses? If so, describe.
No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
None.

13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
No known sites are located on or next to the site.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
An Archaeological Predetermination has been conducted. No Archaeological resources were found on site.

c. Proposed measures to reduce or control impacts, if any:
None.

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
The site will continue provide access via NE 152nd Avenue.

b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
No, public transit is available to the south at NE 152nd Avenue and NE 99th Street.

c. How many parking spaces would the completed project have? How many would the project eliminate?
The completed project will allow parking associated with residential uses, estimated 2 parking spaces per lot.

d. Will the proposal require any new road or streets, or improvements to existing roads or streets, including driveways? If so, generally describe (indicate whether public or private).
Improvements will be made to NE 152nd Avenue in addition to internal public roadways.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
No.

- f. How many vehicular trips per day would be created by the completed project? If known, indicate when peak columns would occur.

The development would create 1130 new trips per day with 113 new peak pm trips once the project is completed.

- g. Proposed measures to reduce or control transportation impacts, if any:

None.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

Yes, the project may result in an increased need for fire and police protection.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

No additional measures are proposed beyond impact fees should the new tracts be further developed.

16. Utilities

- a. Utilities currently available at the site: *Electricity & Water*

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity, which might be needed.

Electricity & Water: Clark Public Utilities

Sewer: Clark Regional Waste Water District

Natural Gas: NW Natural Gas

Telephone: N/A.

C. Signature.

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Samuel Moss
Samuel Moss for MSE Planning & Engineering, Inc.

Date submitted: _____

6/29/09

Owners of property
that were sent notice

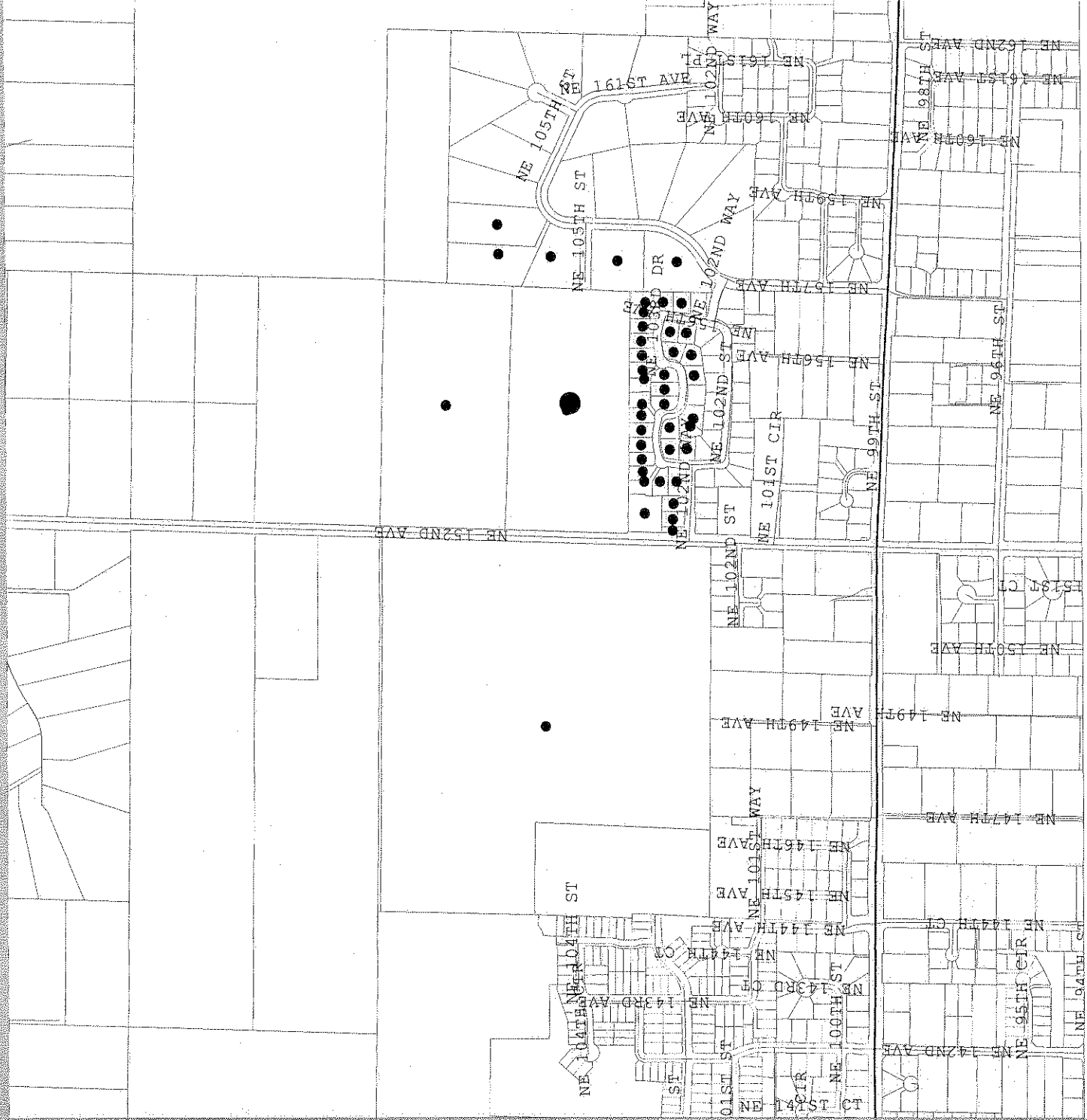
SE 1/4 of Section 35 T3R2E WM

- Major Roads
- State
- State On-Ramp
- Interstate
- Interstate On-Ramp
- Primary Arterial
- Arterial
- Roads
- Municipal Jurisdiction
- Unincorporated
- Incorporated

Community Development (Development Serv

Plot Date: Sep 4, 2009
Map produced by:

Information shown on this map was collected from several sources. Neither Clark County or the agency producing this document accept responsibility for any inaccuracies that may be present.



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